

**INLAND WETLANDS AGENCY
MEETING MINUTES**

AUGUST 16, 2004

PRESENT: Ken Braga, Margo Wheeler, Sanford Cohen, James Maitland, and Alternates Donald McConnell, Jean Burns and Christine Murphy

ABSENT: Kim Flannery

STAFF

PRESENT: Matt Davis, Town Planner and Kristin Michaud, Recording Secretary

I. CALL TO ORDER:

Chairman Braga called the Inland Wetlands Agency (IWA) meeting to order at 7:30 PM and read the Legal Notice into the record at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARING:

1. #IW200424 – Christopher & Deann Yanaros for a Permit to Conduct Activity within an Area of Influence for a 7 lot subdivision on property located at 27 Ladd Road, APN 131-001-0000.

TIME: 7:34

SEATED: K. Braga, M. Wheeler, S. Cohen, J. Maitland, D. McConnell, J. Burns, C. Murphy

Peter Demallie, Design Professionals, came forward to review the application with the commission. He explained there will be six new houses and one existing. There is 4.27 acres of wetlands on the property and there is zero disturbance in the regulated wetlands. The detention basin will be maintained by lot 1.

Judy Schuler, Design Professionals, reviewed where the site touched wetlands. There has been an extensive septic analysis. The Conservation Commission has recommended the project open space along the brook. There will be no added water run off from this subdivision.

Chairman Braga read Jim Thompson's letter dated 5/17/04.

Several members of the public had concerns with the detention basin and who would be cleaning it out.

MOVED (BURNS), SECONDED (COHEN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #IW200424 – CHRISTOPHER & DEANN YANAROS.

FINDING WITH RESPECT TO CGS 22A-19

MOTION (BURNS), SECONDED (WHEELER) TO FIND THAT IT IS NOT REASONABLY LIKELY THAT THE PROPOSED ACTIVITIES WILL HAVE THE EFFECT OF UNREASONABLY POLLUTING, IMPAIRING OR DESTROYING THE PUBLIC TRUST IN THE WATER AND OTHER NATURAL RESOURCES OF THE STATE BY THEIR IMPACT ON EXISTING WATERCOURSES, WETLANDS AND UPLAND REVIEW AREA ON THE PROPOSED SITE AND/OR ON ADJACENT OR NEARBY WETLANDS OR WATERCOURSES.

VOTE: UNANIMOUS IN THE AFFIRMATIVE (7-0)

MOVED (COHEN), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #IW200424 – CHRISTOPHER & DEANN YANAROS.

CONDITION: ALL RECOMMENDATIONS MADE BY JIM THOMPSON PER MEMO DATED 5/17/04 ARE MET.

2. #IW200417 – Angel Trace, LLC for a Permit to Conduct Activity within an Area of Influence for a 28 lot residential subdivision on properties located on Crystal Lake Road, APN 110-018-0000 & 109-009-0000. (Continued from the July 19, 2004 meeting)

TIME: 8:10

SEATED: K. Braga, M. Wheeler, S. Cohen, J. Maitland, D. McConnell, J. Burns, C. Murphy

Chairman Braga read Jim Thompson's letter dated 8/10/04 and the Connecticut Water Company letter dated 8/16/04.

Joe Capossela, Kahan, Kerensky, & Capossela, came forward for the applicant.

Russ Heintz, Tarbell & Heintz, said they relocated the septic system on lots 8, 9, 10 & 13.

MOVED (MCCONNELL), SECONDED (COHEN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #IW200417 – ANGEL TRACE, LLC.

MOVED (BURNS), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #IW200417 – ANGEL TRACE, LLC.

CONDITIONS: ALL EROSION CONTROL IN PLACE BEFORE CONSTRUCTION STARTS.

3. Hearing Regarding Cease and Desist ORDER, dated July 23, 2004 issued to Bruce D. and Karen J. Luginbuhl for violations at #34 Ludwig Road (APN #109-006-0002) and on adjacent land of Stephen D. Williams located off Wheelock Road (APN #126-009-0000). (Continued from the July 29, 2004 special meeting)

THE COMMISSION TABLED ITEM 3 TO THE END OF THE AGENDA.

VI. UNFINISHED BUSINESS:

1. #IW200414 – Developers Realty Corporation for a Permit to Conduct Activity within an Area of Influence to construct a driveway to a commercial development on property located on West Road, APN 046-003-0000.

TIME: 8:25 PM

SEATED: K. Braga, J. Burns, J. Maitland, D. McConnell, M. Wheeler

Town Planner Matt Davis gave an outline on the memo he wrote to the commission, dated 8/16/04.

The commission reviewed the application together and stated their concerns.

FINDING WITH RESPECT TO CGS 22A-19

MOTION (BURNS), SECONDED (MCCONNELL) TO FIND THAT IT IS NOT REASONABLY LIKELY THAT THE PROPOSED ACTIVITIES WILL HAVE THE EFFECT OF UNREASONABLY POLLUTING, IMPAIRING OR DESTROYING THE PUBLIC TRUST IN THE WATER AND OTHER NATURAL RESOURCES OF THE STATE BY THEIR IMPACT ON EXISTING WATERCOURSES, WETLANDS AND UPLAND REVIEW AREA ON THE PROPOSED SITE AND/OR ON ADJACENT OR NEARBY WETLANDS OR WATERCOURSES.

VOTE: UNANIMOUS IN THE AFFIRMATIVE (5-0)

MOVED (BRAGA), SECONDED (BURNS) AND PASSED (RECUSED; S. COHEN & C. MURPHY) TO APPROVE WITH CONDITIONS FOR #IW200414 – DEVELOPERS REALTY CORPORATION.

CONDITIONS: SEE ATTACHED ADDENDUM #1.

2. #IW200426 – Cornerstone Ellington, LLC for a Permit to Conduct Activity within an Area of Influence for a commercial development on property located on West Road, APN 037-005-0086.

TIME: 8:35 PM

SEATED: K. Braga, J. Burns, J. Maitland, D. McConnell

Town Planner Matt Davis gave an outline on the memo he wrote to the commission, dated 8/16/04.

The commission reviewed the application together and stated their concerns.

FINDING WITH RESPECT TO CGS 22A-19

MOTION (BURNS), SECONDED (MCCONNELL) TO FIND THAT IT IS NOT REASONABLY LIKELY THAT THE PROPOSED ACTIVITIES WILL HAVE THE EFFECT OF UNREASONABLY POLLUTING, IMPAIRING OR DESTROYING THE PUBLIC TRUST IN THE WATER AND OTHER NATURAL RESOURCES OF THE STATE BY THEIR IMPACT ON EXISTING WATERCOURSES, WETLANDS AND UPLAND REVIEW AREA ON THE PROPOSED SITE AND/OR ON ADJACENT OR NEARBY WETLANDS OR WATERCOURSES.

VOTE: UNANIMOUS IN THE AFFIRMATIVE (4-0)

MOVED (BRAGA), SECONDED (BURNS) AND PASSED UNANIMOUSLY (RECUSED: S. COHEN, M. WHEELER, C. MURPHY) TO APPROVE WITH CONDITIONS AND MODIFICATIONS #IW200426 – CORNERSTONE ELLINGTON, LLC.

CONDITIONS: SEE ATTACHED ADDENDUM #2.

3. #IW200418 – Warren & Carol Gottier for a Permit to Conduct Activity within an Area of Influence for a single family home on property located on East Shore Road, APN 149-100-0000.

TIME: 9:00 PM

SEATED: K. Braga, M. Wheeler, S. Cohen, J. Maitland, D. McConnell, J. Burns, C. Murphy

Chairman Braga read Jim Thompson's memo dated, 8/16/04.

Chairman Braga wants silt fence and hay bales at the project site. He also wants them to do the work in phases.

Tim Coon, JR Russo, came forward for the applicant and noted he had revised the plans to address Jim Thompson's concerns.

MOVED (WHEELER) SECONDED (COHEN) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANT ACTIVITY WITHIN THE AREA OF INFLUENCE FOR #IW200418 –WARREN & CAROL GOTTIER.

MOVED (WHEELER), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #IW200418 – WARREN & CAROL GOTTIER.

CONDITION: EROSION CONTROL TO BE IN PLACE BEFORE CONSTRUCTION STARTS.

4. #IW200425 – Eldredge Yost for a Permit to Conduct Activity within an Area of Influence for two single family homes on property located on North Park Street, APN 020-168-0000.

TIME: 9:10 PM

SEATED: K. Braga, M. Wheeler, S. Cohen, J. Maitland, D. McConnell, J. Burns, C. Murphy

Hank Torcellini, Gardner & Peterson, reviewed the plan with the commission.

John Ianni, Professional Soil Scientist, reviewed the plan with commissioners.

Hank Torcellini, explained the driveway will have a common easement. He is trying to stay away from wetlands.

MOVED (BURNS) SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANT ACTIVITY WITHIN THE AREA OF INFLUENCE FOR #IW200425 – ELDREDGE YOST.

MOVED (WHEELER) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #IW200425 – ELDREDGE YOST.

CONDITIONS:

1. DECKS, POOLS, SHEDS AND OTHER FUTURE ACCESSORY STRUCTURE AND USES SHALL REQUIRE A NEW OR MODIFIED WETLAND PERMIT, BASED ON THE REGULATIONS IN AFFECT CURRENTLY.
2. THE DEVELOPMENT SHALL PROCEED AS ONE SINGLE DEVELOPMENT (BOTH PARCELS) WITH ONE WETLAND PERMIT INCLUDING FILL, GRADING, UTILITIES AND DRIVEWAY INSTALLATION. HOMES MAY BE SEQUENCED SEPARATELY, BUT ONLY IN COMPLIANCE WITH THE APPROVED PLAN.
3. PRIOR TO ISSUANCE OF A ZONING PERMIT FOR EITHER HOME, A CONSERVATION EASEMENT SHALL BE PROVIDED OVER THE REAR OF EACH LOT FROM A LINE EXTENDING WESTERLY FROM THE POINT OF INTERSECTION OF THE 100' UPLAND

REVIEW AREA WITH THE WESTERLY RIGHT OF WAY LINE OF NORTH PARK STREET ON PARCEL "A" AND TO INCLUDE THE ENTIRE SOUTHERLY PORTIONS OF BOTH LOTS A AND B.

5. #IW200427-Gingras Development, LLC for a Permit to Conduct Activity within an Area of Influence for a 20 lot subdivision on property located at 9 Crane Road, APN 060-002-0000.

TIME: 9:20 PM

SEATED: K. Braga, M. Wheeler, J. Maitland, D. McConnell, J. Burns, C. Murphy

Gerry Gingras came forward to review the plan. He explained there are no impacts on wetlands.

MOVED (BURNS) SECONDED (MAITLAND) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANT ACTIVITY WITHIN THE AREA OF INFLUENCE FOR #IW200427 –GINGRAS DEVELOPMENT, LLC.

MOVED (MAITLAND), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY (S. COHEN: RECUSED) TO APPROVE #IW200427 – GINGRAS DEVELOPMENT, LLC.

6. #IW200428 – Ellington Football League for a Permit to Conduct Activity within an Area of Influence for a 24' x 36' addition to existing well house on property located at 45 Sadds Mill Road, APN 079-004-0000.

TIME: 9:25 PM

SEATED: K. Braga, M. Wheeler, S. Cohen, J. Maitland, D. McConnell, J. Burns, C. Murphy

Steve Ziter, 209 Mountain Street, explained they are just adding square footage to the all ready existing building.

MOVED (BURNS), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANT ACTIVITY FOR #IW200428 –ELLINGTON FOOTBALL LEAGUE.

MOVED (WHEELER), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO APPROVE #IW200428 – ELLINGTON FOOTBALL LEAGUE.

7. #IW200429 – Richard Ridel for a Permit to Conduct Activity within an Area of Influence and/or wetlands for an addition on property located at 8 Randy Road, APN 104-021-0000.

TIME: 9:30 PM

SEATED: K. Braga, M. Wheeler, S. Cohen, J. Maitland, D. McConnell, J. Burns, C. Murphy

Richard Ridel explained the proposed addition to his home.

MOVED (BURNS), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANT ACTIVITY FOR #IW200429 –RICHARD RIDEL.

MOVED (WHEELER), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #IW200429 – RICHARD RIDEL.

CONDITION: SUFFICIENT EROSION CONTROL BEFORE CONSTRUCTION STARTS.

8. Hearing Regarding Cease and Desist ORDER, dated July 23, 2004 issued to Bruce D. and Karen J. Luginbuhl for violations at #34 Ludwig Road (APN #109-006-0002) and on adjacent land of Stephen D. Williams located off Wheelock Road (APN #126-009-0000). (Continued from the July 29, 2004 special meeting)

TIME: 9:30 PM

SEATED: K. Braga, M. Wheeler, S. Cohen, J. Maitland, D. McConnell, J. Burns, C. Murphy

Attorney Bruce Fader came forward for the applicant.

John Ianni, Professional Soil Scientist came forward and gave an overview of where the wetlands were located on the property. He explained the wetland is on the edge of the fill material. The fill is not in the wetland itself.

Matt Davis, Town Planner, reviewed letters dated 7/23/04 and 8/6/04.

BY CONSENSUS, THE COMMISSION AGREED TO CONTINUE THE HEARING TO SEPTEMBER 20, 2004.

V. NEW BUSINESS:

BY CONSENSUS, THE COMMISSION NOTED RECEIPT OF THE FOLLOWING APPLICATIONS:

1. #IW200432 – Peter Sirois for a Permit to Conduct Activity within an Area of Influence for a 3 lot subdivision on property located at 41 Newell Hill Road, APN 127-013-0000.
2. #IW200430 – Don Ciarleglio for a Permit to Conduct Activity within an Area of Influence for a single family home on property located at Crane Road, APN 060-001-0000.
3. #IW200431 – Michael Agranoff for a Permit to Conduct Activity within an Area of Influence for replacement of existing retaining wall on property located at 101West Shore Road, APN 168-126-0000.
4. #IW200433 – Jolyn II, LLC for a Permit to Conduct Regulated Activity within an Area of Influence for installation of storm drainage, retention pond and associated improvements relating to a residential resubdivision on property located at Ellsworth Lane & Extension of Benjamin Drive, APN 118-004-0000 & 101-005-0000.

VI. ADMINISTRATIVE BUSINESS:

1. Discussion re: referral of Build-Out Report from First Selectman.

TABLED TO THE SEPTEMBER 20, 2004 MEETING.

2. Approval of the June 21, 2004, July 19, 2004 regular minutes and July 29, 2004 special meeting minutes.

MOVED (WHEELER), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE THE REGULAR MEETING MINUTES OF JUNE 21, 2004.

MOVED (MCCONNELL), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO APPROVE THE REGULAR MEETING MINUTES OF JULY 19, 2004.

MOVED (BURNS), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO APPROVE THE SPECIAL MEETING MINUTES OF JULY 29, 2004.

3. Correspondence:
 - a. Memo from Matt Davis to Bruce Luginbuhl, dated July 26, 2004.
 - b. Memo to Dennis Milanovich and BOS, dated July 21, 2004.
 - c. Letter to Cindy Lacapruca from Mary Bertelsen, dated July 20, 2004.
 - d. Letter to Bruce & Karen Luginbuhl from Matt Davis, dated August 6, 2004.
 - e. The Habitat, Spring 2004.
 - f. Connecticut Wildlife, July/August 2004.

VII. ADJOURNMENT:

MOVED (MURPHY), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 11:00 P.M.

Respectfully Submitted,

Kristin Michaud
Recording Secretary